

United States District Court
Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,
Plaintiff,
v.
ELIZABETH A. HOLMES,
Defendant.

Case No. [5:18-cr-00258-EJD-1](#)
SECOND ORDER RE DOW JONES'S MOTION TO UNSEAL
Re: Dkt. No. 881

In connection with Intervenor Dow Jones and Company, Inc.’s (“Dow Jones”) motion to unseal (Dkt. No. 881), the Court issued an order to unseal certain documents on August 28, 2021. Dkt. No. 965. Having received and considered the parties’ proposed redactions to documents related to the United States’ Motion to Rejoin the Trials of Defendants (Dkt. No. 591), the Court now further finds it appropriate to unseal the docket entry text for all documents listed below, and to unseal the following documents in their entirety:

Docket No.	Document
625	Balwani’s Certificate of Service
629	Holmes’ Certificate of Service
644	USA’s Declaration of Vanessa Baehr-Jones in Support of USA Omnibus Reply <i>[duplicate of Dkt. No. 645 that appears to have been filed in error]</i>
645	USA’s Declaration of Vanessa Baehr-Jones in Support of USA Omnibus Reply
645-3	Exhibits 3-12 to Baehr-Jones Declaration in Support of USA Omnibus Reply

1 The Court further finds it appropriate to partially unseal the following documents, with
2 minimal redactions¹:

Docket No.	Document
645-1	Exhibit 2 to Baehr-Jones Declaration in Support of USA Omnibus Reply
645-2	Exhibit 2 to Baehr-Jones Declaration in Support of USA Omnibus Reply

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8 The following documents contain information related to Holmes's Rule 12.2 defense. For
9 the reasons described in the Court's previous order, they will remain provisionally partially sealed
10 unless and until Holmes introduces evidence of her Rule 12.2 defense at trial:

Docket No.	Document
591	USA's Motion to Rejoin the Trials of Defendants
624	Balwani's Opposition to USA's Motion to Rejoin Trials of Defendants
627	Holmes' Opposition to USA's Motion to Rejoin Trials of Defendants
644-1	USA's Omnibus Reply in Support of USA's Motion to Rejoin the Trials of Defendants and Motion to Exclude Testimony from Dr. Mechanic
796	Order Denying Government's Motion to Exclude Expert Testimony or, in the Alternative, for a <i>Daubert</i> Hearing and for Discovery; Denying Defendant's Motion to Exclude Testimony of Dr. Renee Binder and Granting Request for <i>Daubert</i> Hearing; Denying Government's Motion to Rejoin

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23 The Court continues to monitor and assess the appropriateness of maintaining the sealed
24 status of certain documents.

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26 ¹ The Court finds that maintaining these minimal redactions are necessary to protect the personal
27 identifying information and privacy interests of third-party witnesses. The Court finds that there
28 are no less restrictive means available to protect those interests.

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IT IS SO ORDERED.

Dated: September 27, 2021



EDWARD J. DAVILA
United States District Judge